

AO 91 (Rev. 01/09) Criminal Complaint

UNITED STATES DISTRICT COURT

for the
District of New Mexico

FILED
UNITED STATES DISTRICT COURT
LAS CRUCES, NEW MEXICO

MAY - 2 2025

MITCHELL R. ELFERS
CLERK OF COURT

United States of America
v.

Case No: 25-1085 MJ

Martha Susana XOCHICALE-Acatecatl

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date of April 27, 2025 in the county of Dona Ana in the State and District of New Mexico, the defendant violated 50.8.18 U.S.C. §797(NDA), 1325(a)(1)(EWI Misdemeanor), 1382(NDA), an offense described as follows:

Count 1: 8 USC 1325 Entered and attempted to enter the United States at a time and place other than as designated by Immigration Officers

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Count 2: 18 USC 1382 Entry of Military Property for Any Purpose Prohibited by Law

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Count 3: 50 USC 797 Prohibits the Willful Violation of any Defense Property Security Regulation (Class A Misdemeanor)

This criminal complaint is based on these facts:

Count 1: On April 27, 2025, Border Patrol Agents from the Santa Teresa, New Mexico Border Patrol Station encountered the defendant in Dona Ana County, New Mexico. The defendant was questioned as to citizenship and stated that to be a citizen and national of Mexico, illegally present in the United States. Agents determined the defendant illegally crossed the boundary between the United States and Mexico on April 27, 2025, approximately five miles east of the Santa Teresa, New Mexico Port of Entry. The defendant did not present itself through a lawful Port of Entry; therefore, was not admitted or paroled by an Immigration Officer.

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☒ Continued on the attached sheet.


Complainant's signature

Daniel Calzada, Agent

Printed name and title

Sworn to before me ^{via telephone} and signed in my presence.

Date: May 2, 2025

City and state: Las Cruces, N.M.


Judge's signature
GREGORY B. WORMUTH
U.S. MAGISTRATE JUDGE

Printed name and title

CONTINUATION OF CRIMINAL COMPLAINT

STATE AND DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA

V.

Martha Susana XOCHICALE-Acatecatl

Continuation of Statement of Facts:

Count 2: On April 27, 2025, DEFENDANT, Martha Susana XOCHICALE-Acatecatl entered a military reservation, post, fort, yard, station or installation, the NM National Defense Areas for a purpose prohibited by law, specifically illegal entry into the United States.

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Count 3: Title 50 United States Code 797 prohibits the willful violation of any defense property security regulation. Section 797 defines a "defense property security regulation" as a property security regulation that pursuant to lawful authority—

(a)(2)(A) shall be or has been promulgated or approved by the Secretary of Defense (or by a military commander designated by the Secretary of Defense or by a military officer, or a civilian officer or employee of the Department of Defense, holding a senior Department of Defense director position designated by the Secretary of Defense) for the protection or security of Department of Defense property"

(a)(3)(A) relating to . . . the ingress thereto or egress or removal of persons therefrom.

The term "Department of Defense property" means property subject to the administration or in the custody of the Department of Defense. On April 15, 2025, the Department of Interior transferred Federal lands including the approximately 60-foot strip of land contiguous to and parallel with the international border between the United States and Mexico (the "Roosevelt Reservation") in Doña Ana, Luna and Hidalgo Counties in New Mexico to the jurisdiction of the Department of the Army. See Public Land Order No. 7963. On April 18, 2025, the Secretary of the Army assigned the above-described Federal lands to United States Army Garrison Fort Huachuca for use as National Defense Areas (hereinafter NM National Defense Areas). U.S. Army General Order No. 2025-10. On April 18, 2025, the military commander at Fort Huachuca issued a security regulation designating the NM National Defense Areas as both a restricted area and a controlled area under Army Regulation 190-13 prohibiting the unauthorized entry into the National Defense Areas.

On April 27, 2025, when illegally entering the United States from Mexico in Dona Ana County, New Mexico, Defendant willfully violated the security regulation prohibiting unauthorized entry of property subject to the administration or in the custody of Fort Huachuca by his unauthorized entry into the NM National Defense Areas. On April 24, 2025, signs were posted in the NM National Defense Areas stating in both English and Spanish that this is a restricted area and that unauthorized entry is prohibited.

Based on the facts alleged in this criminal complaint, there is probable cause to believe that Defendant violated 50 U.S.C. _ 797 by willfully violating a security regulation or order prohibiting unauthorized entry onto the NM National Defense Areas.

Continuation of Statutory Language:

A handwritten signature in black ink, appearing to be 'J. B. [unclear]', written over a horizontal line.

Signature of Judicial Officer

A handwritten signature in black ink, appearing to be 'Daniel Calzada', written over a horizontal line.

Signature of Complainant

Calzada, Daniel

Filing Agent